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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,679	03/19/2004	Steve Knipfel	S*S 291	8550

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EXAMINER

CONLEY, FREDRICK C

ART UNIT PAPER NUMBER

3673

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,679

Applicant(s)

KNIPFEL, STEVE

Examiner

FREDRICK C CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12 is/are rejected.
- 7) ☒ Claim(s) 4-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/11/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter "third and fourth horizontal planes". See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim Objections

Claim 1 recites the limitation "the third horizontal plane". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

It is unclear to what "a length" the Applicant is referring, a length of what member?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,572,756 to Muuranen.

Claim 1, Muuranen discloses an ambulance cot load wheel assisting device, comprising:

a bracket frame (21,24) configured to be fastened to frame the ambulance cot, said bracket frame having first and second vertically spaced axle mountings provided thereon;

an elongate first axle supported on said first axle mounting, said first axle having a first axis extending longitudinally thereof;

first wheel member 14 of a first diameter supported on said first axle for rotation about said first axis and configured to engage and roll on a floor of a cargo area of the ambulance;

an elongate second axle supported on said second axle mounting, said second axle having a second axis extending longitudinally thereof;

a second wheel-like member 15 of a second diameter supported on said second axle for rotation about said second axis;

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said first axle mounting and said first axis being oriented in a first horizontal plane spaced below a second horizontal plane containing said second axis supported by said second axle mounting, said first wheel member having a first diameter which is less than a second diameter of said second wheel-like member (col. 2 lines 26-30);

said second wheel-like member capable of rotating in response to engagement of a periphery thereof with an edge of the floor of the cargo area upon entry movement of the ambulance cot into the cargo area which inherently lifts the first horizontal plane to a location above any horizontal plane below the axis of wheel 14 in figure 3 if the first horizontal plane is initially oriented below the third horizontal plane since the diameter of the second wheel-like member 15 is greater than the first wheel member 14.

Claim 2, wherein an amount of the lifting of said first horizontal plane will cause a periphery of said first wheel member 14 to engage/bear upon the edge of the stretcher underframe of the ambulance in a fourth horizontal plane (col. 2 lines 15-17), thereby intersecting a radius of said first wheel member at a location that is intermediate of a length thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,572,756 to Muuranen et al.

Claim 3, Muuranen fails to disclose the intermediate location in the range of 50% to 100% length thereof measured from said first axis. It would have been obvious to one having ordinary skill in the art at the time of the invention to have the intermediate location in a range of 50% to 100% the length measured from the first axis since it appears that the intermediate location taught by Muuranen would function equally as well.

Claim 12, it is well known for the periphery/tread of a wheel to have a non-smooth surface, and the Examiner takes Official Notice that it would be obvious for a person of ordinary skill at the time of the invention to employ a non-smooth surface or tread in order to provide an improved traction for the wheels of Muuranen.

Allowable Subject Matter

Claims 4-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



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